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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD

Joint written statement*/ submitted by the World Federation of Democratic Youth, a non-governmental organization in general consultative status, and Interfaith International, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[13 February 2001]

*/ This written statement is issued, unedited, as received from the submitting non-governmental organization(s).

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Elections in the Sudan

1. During the period 13th – 22nd December 2000, the Government of Sudan has simultaneously organized a new round of presidential and parliamentary elections in the country. The elections were widely contested by pro-multi-party democracy political forces among accusation of electoral irregularities, government misconduct and interference in the election process. Consequently the elections were boycotted by the main opposition political parties in the country including the Umma Party, the Democratic Unionist Party, the Sudanese Peoples' Liberation Movement, the Sudan Communist Party, the Union of Sudanese African Parties and the government's break-away Popular National Congress. Combined together, it is estimated that the followers of the opposing political parties represent more than 90% of the country's population. Independent sources confirmed that the opposition call to boycott the election was largely heeded and only about 5 to 7% of eligible voters have participated in the elections.

2. As expected, incumbent President Lieutenant General Omar Al-Bashir and members of his political party the National Congress have won the elections with large margin from their nearest opponents. According to the General Elections Authority, General Al-Bashir won 86,5% electoral votes at the presidential elections while his political party the National Congress won over 95% out of the 270 geographic constituencies that constitute the country's National Assembly or Parliament. The Parliament chamber is made-up of 360 seats spread all over the country's 26 States. The remaining 90 members of Parliament represent interest groups including students, youth, women and professionals. They are to be appointed by the President of the Republic. The General Elections Authority indicated that elections were not held in 24 Electorates in the southern, south-eastern and eastern parts of the country for security reasons. The Elections Ordinance and the current Constitution empower the President to appoint legislators to represent such constituencies.

3. The holding of elections does not represent democracy and cannot be considered an end in itself, but it represents an important step for the realization of a fair and democratic rule. Furthermore, the holding of elections as a democratic step strongly linked with the modern concepts of human rights and fundamental freedoms means more than ballot boxes and electoral lists. It requires a number of necessary measures to be taken by governments to ensure a fair and conducive atmosphere for the holding of true and genuine elections in which all citizens participate without discrimination. Article 21 (3) of the Universal Declaration of Human Rights states that "The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage … ".

4. The current situation of political freedoms in the Sudan is still catastrophic as systematic violations of human rights and fundamental freedoms against political opponents are continuing unabated including unlawful killings, torture, arbitrary arrests and detention without charges or trial. One of the recent incidents occurred on 6th December 2000, when the government security forces stormed a private gathering where seven leading Sudanese opposition figures of the National Democratic Alliance and the US Political Officer in Khartoum Mr. Glenn Warren were in attendance. The seven persons were immediately arrested and Mr. Warren was expelled from Sudan. At least four lawyers including the human rights crusader Mr. Ghazi Suleiman, Sattie Ahmed Al-Haj, Al-Hadi Ahmed Osman and Mr. Ali Mahmmoud Hassanien were also arrested and detained for sending a memorandum to the Minister of Justice questioning the legality of the arrest of these persons. Following this incident the Ministry of External Relations instructed all foreign diplomats not to meet with members of opposition political parties unless such meetings are sanctioned by official government channels. The rights of women are under continuing attack from the government. The last straw in the government's persistent denial of women's rights was the law

introduced in September 2000 by the governor of Khartoum State forbidding women from working as petrol stations attendants and in hotels and restaurants.

5. The country is still under a state of emergency regulations which allows the government sweeping powers to deal with the opposition and commit all sorts of human rights violations with impunity. On 31st December 2000 General Al-Bashir issued a Presidential Decree extending the state of emergency for one more year. In addition a number of repressive laws incompatible with Sudan's obligations under international human rights treaties and which severely curtail the rights and fundamental freedoms of the Sudanese people are still in place despite calls for their abolition even from some government's officials. They include the National Security Act, the Trade Union Act of 1992 and the notorious Public Order Act. Large parts of the country are under armed conflict and civil unrest as the case with Southern Sudan, the Nuba Mountains, the Blue Nile Area, Eastern and Western Sudan. In Resolution A/C.3/55L.51/Rev.1 of 8th November 2000, the UN General Assembly deplored the situation of human rights in the Sudan in particular the " Precarious conditions of detention, frequent use of torture, arbitrary detention, interrogations and violations of human rights by the security organs" and expressed concerns over "Acts of intimidation and harassment against the civilian populations" and "Restrictions on freedom of religion ... obstacles to the freedom of expression, association and peaceful assembly".

6. In light of the foregoing it is all too logical that the main political parties in the country have boycotted the elections and called upon the government to solve the country's major challenges by restoring political freedoms, negotiating a peaceful resolution of the armed conflict and national reconciliation and taking up the necessary political and legal measures conducive to a healthy democratic exercise before the organizing of polls. As a direct result of the boycott by opposition political parties, the Election Authority declared that 20% of government candidates winners even before the holding of polls because they stood unchallenged in the absence of any other candidates. This figure has increased to over 35% at the beginning of election as many among the few independent candidates were forced by government's agents to denounce their candidature and abandon the parliamentary race.

7. Taking into account the fact that the elections were boycotted by the main opposition parties as well as the fact that the elections were not held in about 35% of the country's territory or have not taken account of the large number of internally displaced persons estimated at about 4 millions forces us to question its fairness and representative nature. This casts a plausible shadow of doubt about the legitimacy and accuracy of these elections. According to the General Elections Authority 107,393 Sudanese expatriates have cast their votes out of the estimated 6 millions such expatriates. This indicates that the government's confirmation of the participation of 65,5 % of the country's 12 million eligible voters is sheer rhetoric and cannot be reckoned to. As such the recent elections in Sudan can best be described as a further attempt to consolidate the totalitarian regime of General Al-Bashir which has reigned over the country since 30th June 1989.

8. As such the political situation in the country falls short of the requirements for the holding of affair and genuine elections as required by Article 25 (a), (b) and (c) of the International Covenant on Civil and Political Rights to which the Sudan is a State Party and which asserts that "Every citizen shall have the right and opportunity, ... without unreasonable restriction; (a) To take part in the conduct of public affairs, directly or through freely chosen representative; (b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors; and (c) To have access, on general terms of equality, to public services in his country".

9. However, the elections were held amidst widespread accusation of irregularities and government interference expressed by opposition parties, independent candidates and observers alike. According to the Sudan Human Rights Organization, some of the irregularities associated with the elections can be summarized in the following:

1. The legitimacy of the General Election Authority, which acts as the elections watchdog, is challenged because of the lack of sufficient constitutional safeguards to ensure its independence and impartiality. According to Article 128 (1) of the government designed Constitution, the Election Authority is accountable to both the President of the Republic and to the National Assembly (Parliament). The Parliament is actually non-existent, as the President has dissolved it since 12th December 1999. Consequently the President office exercised the ultimate power over the Elections Authority.

2. The President of the Republic to whom the General Elections Authority is accountable is one of the Presidential candidates and head of a political party (National Congress) which has competed for the elections. This fact alone undermines any objectivity and impartiality required by the Authority.

3. Article 21 of the Election Ordinance states that government officials should resign their public functions before running for elections. At the time of election, Lieutenant General Omar Al-Bashir was an active army officer and did not resign his post which represent a serious violation of the Election Ordinance.

4. Elections were associated with massive misuse of State power by top government officials who used government apparatus in support of election candidates belonging to the government party the National Congress. They were also accused of using security forces to harass and intimidate other independent parliamentary candidates or their agents to the extent that some candidates were arrested while others were expelled from election centers. One candidate requested the lifting of immunity of two senior government officials to enable him sue them for alleged irregular electoral conduct and for using their government positions to influence voters. Mr. Mubarak Ali Jadallah who ran for Shendi constituency (Nortehrn Sudan), accused Dr. Al Tayib Ibrahim Mohammed Khair his election competitor and the President's Security Advisor together with Majzoub Al-Khalifa the Governor of Khartoum State for such misconduct.

5. Intimidation and blackmailing of independent candidates to force them denounce their candidature for the benefit of government candidates. One independent candidate has tabled a complaint in Khartoum against some leading government officials who forced him to denounce his candidature for Parliament.

6. Large scale rigging of election results especially in the remote areas in the countryside was reported. It seems that the alleged irregularities were committed by government agents because of the large number of Election Centers estimated at more than 100,000. In Election Centers No. 3 and No. 15 at Constituency No. 17 (Omdurman) ballot boxes were left unsealed. In al-Masseed area (South of Khartoum) it was reported that Election Officers asked voters to use pencils to cast their votes.

7. Large scale rigging of elections lists or the absence of such lists was widely reported. On the fifth elections-day, the Election Authority allowed Election Committees to amend the election lists in an attempt to take account of the missing names, which created an opportunity for rigging and irregularities.

8. In some electorates especially in the remote areas of Southern Sudan widespread rigging was reported as governments agents totally controlled Election Centers in the absence of independent observers or representatives of other candidates. It was reported that government's candidates in the areas of Wau and Raja in southern Sudan have scored votes that are much more higher than the number of inhabitants of the areas concerned. As a result of complaints about these irregularities elections were suspended or cancelled in some Centers such as the case with al-Aliab Electorate in the Rivers State in southern Sudan.

9 Lack of safety and personal security in many geographic constituencies especially in the remote areas. One of the violent election confrontations has resulted in the killing of four persons and the injury of many others in an armed attack against some voters in Soudari area in Kordifan State. In the same area a group of armed persons have robed one of the parliamentary candidates of about 30 million Sudanese pounds.